

**REMARKS**

Prior to this Amendment, Claims 1-13 were pending in the application, with Claims 1, 4, 5, and 9 as independent claims. The Examiner has rejected Claims 1-13 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,810,273 B1 to Mattila et al.

As indicated above, Claims 1, 4, 5, 9, and 11 have been amended, and Claims 2, 7, and 12 have been cancelled. No new matter has been presented. Claims 1, 3-6, 8-11, and 13 are now pending, with Claims 1, 4, 5, and 9 as independent Claims.

Regarding the 102(e) rejection of independent Claims 1, 4, and 5, which have been amended to recite "and lowering the output volume of the voice processor in a silence period to such a volume that the user does not recognize the noise as white noise," Claims 1, 4, and 5 are patentably distinct over Matilla et al. The Examiner has stated, regarding the rejections to dependent Claims 2, 7, and 12, that Matilla et al. allegedly discloses the above claimed limitation. (Office Action, bottom of page 2). However, Mattila et al. instead teaches, "If the burst of undetected high power bad frames is long (for example if their duration is 0.5 s or longer), there is a danger that forced-up dating of the background noise spectrum estimate might be activated. Although this requires stationarity of the input, this condition might be fulfilled if the decoded erroneous frames resemble white noise." (Mattila, col 24, lines 36-41). Mattila et al. only refers to white noise as a possible characteristic of decoded erroneous frames due to a long error burst. The noise suppressor in Mattila et al. responds not to the resemblance of white noise, but the undetected high power bad frames, which may or may not resemble white noise. This response occurs regardless of whether the undetected high power bad frames actually resemble white noise, and does not consider whether a user would recognize the noise at white noise. Therefore, Mattila et al. fails to anticipate the limitation quoted above, and


anticipate the limitation quoted above, and amended Claims 1, 4, and 5 are patentably distinct over Mattila et al. Accordingly, withdrawal of the §102(e) rejection of Claims 1, 4, and 5 is respectfully requested.

Regarding the 102(e) rejection of independent Claim 9, which has been amended to recite "providing the control signal to lower the volume of the noise to the amplifier to lower the volume of the noise to such a level that the user does not recognize the noise as white noise." Claim 9 is also patentably distinct over Matilla et al. for the reasons above regarding Claims 1, 5, and 7. Accordingly, withdrawal of the §102(e) rejection of Claim 9 is respectfully requested.

Claims 3, 6, 8, 10-11, and 13 are dependent claims, and are believed to be in condition for allowance for at least the reasons given above with regard to their respective independent Claims 1, 5, and 9.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 3-6, 8-11, and 13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

  
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